

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TRIGG et al

Atty. Ref.: 4137-26

Serial No. 09/991,714

Group: 1654

Filed: November 26, 2001

Examiner: Audet. M.A.

For: SUSTAINED PEPTIDE-RELEASE  
FORMULATION

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Sir:

Your petitioner, Peptech Limited, a corporation having an office and place of business at 35-41 Waterloo Road, North Ryde, New South Wales, Australia 2113, the undersigned being the attorney of record, represents that it is the assignee as evidenced by the assignment recorded in the USPTO on February 19, 1999 at Reel 010410, Frame 0486, of all right, title and interest in and to application Serial No. 09/991,714, filed on November 26, 2001 for SUSTAINED PEPTIDE-RELEASE FORMULATION. Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. patent 6,337,318, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to

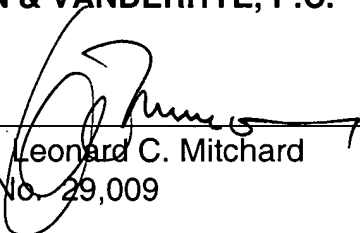
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such patent granted on the above-identified application shall be the same as the legal title to said U.S. patent 6,337,318, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of said U.S. patent 6,337,318 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Respectfully submitted,  
**NIXON & VANDERHYE, P.C.**

  
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Name: Leonard C. Mitchard  
Reg. No. 29,009

  
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Date of Execution